

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Pastor Aden Rusfeldt,

Plaintiff,

22-cv-594 (PKC)

-against-

ORDER

City of New York, New York, et al.,

Defendants.
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CASTEL, U.S.D.J.

The extended first phase of discovery in this action concludes on March 31, 2023. As of February 22, 2023, no dates have been supplied by defendants for the depositions of the “individual officers” but defendants purportedly “are working to arrange dates.” (Defendants’ Letter of February 22, 2023; ECF 24.)

Buried in the third sentence of the third paragraph of the letter of February 22, 2023 submitted by the Assistant Corporation Counsel (“ACC”) is the astounding statement that “today is my last day with the Law Department.” No disclosure is made of how long the ACC and the Law Department have known of the expected departure. No substitute lawyer is identified.

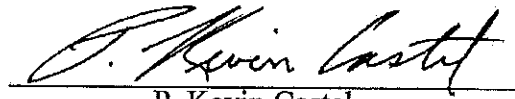
Fortunately, Local Civil Rule 1.4 of this Court protects the opposing party and the Court from a lawyer abandoning a case:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case. . . All applications to withdraw must be served . . . upon all other parties.

The Rule applies with equal force to lawyers from large firms and small firms and to lawyers in the many governmental authorities who appear before this Court. Giancarlo Vecchiarrelli has not sought leave of Court to withdraw and remains counsel of record. Neither he nor his now former employer are empowered to halt a federal civil rights action from proceeding by force of their own will.

There will be a conference in Courtroom 11D of the United States Courthouse, 500 Pearl Street, on March 2, 2023 at 2:15 pm. **Failure of defendants to appear will result in sanctions against the attorney of record and may result in the striking of the defendants' answers and the entry of a default judgment against defendants.**

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
February 24, 2023